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UNITED NATIONS DOCUMENTS

International Covenant on Civil and Political Rights [CCPR]

1994

CCPR/C/3/Rev.3

UNITED
NATIONS

CCPR

International Covenant
on Civil and
Political Rights

Distr.
GENERAL

CCPR/C/3/Rev.3
24 May 1994

ENGLISH
Original: ARABIC/ENGLISH/
FRENCH/RUSSIAN/
SPANISH

HUMAN RIGHTS COMMITTEE

RULES OF PROCEDURE OF THE HUMAN RIGHTS COMMITTEE

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PART I. GENERAL RULES

I. SESSIONS

Rule 1

The Human Rights Committee (hereinafter referred to as "the Committee") shall hold sessions as may be required for the satisfactory performance of its functions in accordance with the International Covenant on Civil and Political Rights (hereinafter referred to as "the Covenant").

Rule 2

1. The Committee shall normally hold two regular sessions each year.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairman may convene special sessions in consultation with the other officers of the Committee. The Chairman of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Covenant.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairman in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notification shall be sent, in the case of a regular session, at least six weeks in advance and, in the case of a special session, at least 18 days in advance.

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* Provisional rules of procedure were initially adopted by the Committee at its first and second sessions and subsequently amended at its third, seventh and thirty-sixth sessions. At its 918th meeting, on 26 July 1989, the Committee decided to make its rules of procedure definitive, eliminating the term "provisional" from the title. The rules of procedure were subsequently amended at the forty-seventh, forty-ninth and fiftieth sessions.

Rule 5

Sessions of the Committee shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. Another place for a session may be designated by the Committee in consultation with the Secretary-General.

II. AGENDA

Rule 6

The provisional agenda for each regular session shall be prepared by the Secretary-General in consultation with the Chairman of the Committee, in conformity with the relevant provisions of the Covenant and of the Optional Protocol to the International Covenant on Civil and Political Rights (hereinafter referred to as "the Protocol"), and shall include:

(a) Any item the inclusion of which has been ordered by the Committee at a previous session;

(b) Any item proposed by the Chairman of the Committee;

(c) Any item proposed by a State party to the Covenant;

(d) Any item proposed by a member of the Committee;

(e) Any item proposed by the Secretary-General relating to his functions under the Covenant, the Protocol or these rules.

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for consideration at that special session.

Rule 8

The first item on the provisional agenda for any session shall be the adoption of the agenda, except for the election of the officers when required under rule 17 of these rules.

Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items; only urgent and important items may be added to the agenda.

Rule 10

The provisional agenda and the basic documents relating to each item appearing thereon shall be transmitted to the members of the Committee by the Secretary-General, who shall endeavour to have the documents transmitted to the members at least six weeks prior to the opening of the session.

III. MEMBERS OF THE COMMITTEE

Rule 11

The members of the Committee shall be the 18 persons appointed in accordance with articles 28 to 34 of the Covenant.

Rule 12

The term of office of the members of the Committee elected at the first election shall begin on 1 January 1977. The term of office of members of the Committee elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members of the Committee whom they replace.

Rule 13

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by him in writing directly to the Chairman or to the Secretary-General and action shall be taken to declare his seat vacant only after such notification has been received.

Rule 14

A vacancy declared in accordance with rule 13 of these rules shall be dealt with in accordance with article 34 of the Covenant.

Rule 15

Any member of the Committee elected to fill a vacancy declared in accordance with article 33 of the Covenant shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Rule 16

Before assuming his duties, each member of the Committee shall give the following solemn undertaking in open Committee:

> "I solemnly undertake to discharge my duties as a member of the Human Rights Committee impartially and conscientiously."

IV. OFFICERS

Rule 17

The Committee shall elect from among its members a Chairman, three Vice-Chairmen and a Rapporteur.

Rule 18

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he ceases to be a member of the Committee.

Rule 19

The Chairman shall perform the functions conferred upon him by the Covenant, the rules of procedure and the decisions of the Committee. In the exercise of his functions, the Chairman shall remain under the authority of the Committee.

Rule 20

If during a session the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place.

Rule 21

A Vice-Chairman acting as Chairman shall have the same rights and duties as the Chairman.

Rule 22

If any of the officers of the Committee ceases to serve or declares his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his predecessor.

V. SECRETARIAT

Rule 23

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the Secretariat") shall be provided by the Secretary-General.

2. The Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Covenant.

Rule 24

The Secretary-General or his representative shall attend all meetings of the Committee. Subject to rule 38 of these rules, he or his representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Rule 25

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Rule 26

The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions which may be brought before it for consideration.

Rule 27

Before any proposal which involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairman to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Rule 28

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and Arabic, English, French, Russian and Spanish the working languages of the Committee.

Rule 29

Speeches made in any of the working languages shall be interpreted into the other working languages. Speeches made in an official language shall be interpreted into the working languages.

Rule 30

Any speaker addressing the Committee and using a language other than one of the official languages shall normally provide for interpretation into one of the working languages. Interpretation into the other working languages by interpreters of the Secretariat may be based on the interpretation given in the first working language.

Rule 31

Summary records of the meetings of the Committee shall be drawn up in the working languages.

Rule 32

All formal decisions of the Committee shall be made available in the official languages. All other official documents of the Committee shall be issued in the working languages and any of them may, if the Committee so decides, be issued in all the official languages.

VII. PUBLIC AND PRIVATE MEETINGS

Rule 33

The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise or it appears from the relevant provisions of the Covenant or the Protocol that the meeting should be held in private.

Rule 34

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General.

VIII. RECORDS

Rule 35

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Committee and to any others participating in the meeting. All such participants may, within three working days after receipt of the provisional record of the meeting, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be settled by the Chairman of the Committee or the Chairman of the subsidiary body to which the record relates or, in the case of continued disagreement, by decision of the Committee or of the subsidiary body.

Rule 36

1. The summary records of public meetings of the Committee in their final form shall be documents of general distribution unless, in exceptional circumstances, the Committee decides otherwise.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such circumstances as the Committee may decide.

IX. CONDUCT OF BUSINESS

Rule 37

Twelve members of the Committee shall constitute a quorum.

Rule 38

The Chairman shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He shall rule on points of order. He shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 39

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided by the Chairman in accordance with the rules of procedure. Any appeal against the ruling of the Chairman shall immediately be put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 40

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Rule 41

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairman shall call him to order without delay.

Rule 42

When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Rule 43

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Rule 44

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Rule 45

Subject to rule 39 of these rules, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) For the closure of the debate on the item under discussion.

Rule 46

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on the following day.

Rule 47

Subject to rule 45 of these rules, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Rule 48

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by another member.

Rule 49

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and two speakers opposing the motion, after which it shall immediately be put to the vote.

X. VOTING

Rule 50

Each member of the Committee shall have one vote.

Rule 51*

Except as otherwise provided in the Covenant or elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present.

Rule 52

Subject to rule 58 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairman.

Rule 53

The vote of each member participating in a roll-call shall be inserted in the record.

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* The Committee decided, at its first session, that in a footnote to rule 51 of the provisional rules of procedure attention should be drawn to the following:

> 1. The members of the Committee generally expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting, provided that the Covenant and the rules of procedure were observed and that such attempts did not unduly delay the work of the Committee.
>
> 2. Bearing in mind paragraph 1 above, the Chairman at any meeting may, and at the request of any member shall, put the proposal to a vote.

Rule 54

After the voting has commenced, it shall not be interrupted unless a member raises a point of order in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairman before the voting has commenced or after the voting has been completed.

Rule 55

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 56

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 57

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Rule 58

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

Rule 59

1. When only one person or member is to be elected and no candidate obtains the required majority in the first ballot, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a person or member is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted, and so on until a person or member is elected.

Rule 60

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining the required majority in the first ballot shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 61

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

XI. SUBSIDIARY BODIES

Rule 62

1. The Committee may, taking into account the provisions of the Covenant and the Protocol, set up such subcommittees and other ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.

2. Subject to the provisions of the Covenant and the Protocol and unless the Committee decides otherwise, each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

XII. ANNUAL REPORT OF THE COMMITTEE

Rule 63

As prescribed in article 45 of the Covenant, the Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities, including a summary of its activities under the Protocol as prescribed in article 6 thereof.

XIII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Rule 64

1. Without prejudice to the provisions of rule 36 of these rules of procedure and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents of general distribution unless the Committee decides otherwise.

2. All reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 41 and 42 of the Covenant and to the Protocol shall be distributed by the Secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

3. Reports and additional information submitted by States parties pursuant to article 40 of the Covenant shall be documents of general distribution. The same applies to other information provided by a State party unless the State party concerned requests otherwise.

XIV. AMENDMENTS

Rule 65

These rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Covenant and the Protocol.

PART II. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS FROM STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Rule 66

1. The States parties to the Covenant shall submit reports on the measures they have adopted which give effect to the rights recognized in the

Covenant and on the progress made in the enjoyment of those rights. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

2. Requests for submission of a report under article 40, paragraph 1 (b), of the Covenant may be made in accordance with the periodicity decided by the Committee or at any other time the Committee may deem appropriate. In the case of an exceptional situation when the Committee is not in session, a request may be made through the Chairman, acting in consultation with the members of the Committee.

3. Whenever the Committee requests States parties to submit reports under article 40, paragraph 1 (b), of the Covenant, it shall determine the dates by which such reports shall be submitted.

4. The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and content of the reports to be submitted under article 40 of the Covenant.

Rule 67

1. The Secretary-General may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports from States members of those agencies as may fall within their field of competence.

2. The Committee may invite the specialized agencies to which the Secretary-General has transmitted parts of the reports to submit comments on those parts within such time-limits as it may specify.

Rule 68

The Committee shall, through the Secretary-General, notify the States parties as early as possible of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties may be present at the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to him by the Committee and make statements on reports already submitted by his State, and may also submit additional information from his State.

Rule 69

1. At each session the Secretary-General shall notify the Committee of all cases of non-submission of reports or additional information requested under rules 66 and 70 of these rules. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required

under rules 66 and 70 of these rules, the Committee shall so state in the annual report which it submits to the General Assembly of the United Nations through the Economic and Social Council.

Rule 70

1. When considering a report submitted by a State party under article 40 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under rule 66 of these rules.

2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish the additional information which is required, indicating by what date the said information should be submitted.

3. On the basis of its examination of the reports and information supplied by a State party, the Committee in accordance with article 40, paragraph 4, of the Covenant, make such comments as it may consider appropriate.

Rule 71

1. The Committee shall, through the Secretary-General, communicate to the States parties for their observations the general comments it has made under article 40, paragraph 4, of the Covenant on the basis of its examination of the reports and information furnished by States parties. The Committee may, where necessary, indicate a time-limit for the receipt of observations from States parties.

2. The Committee may also transmit to the Economic and Social Council the comments referred to in paragraph 1 of this rule, together with copies of the reports it has received from the States parties to the Covenant and the observations, if any, submitted by them.

XVI. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 41 OF THE COVENANT

Rule 72

1. A communication under article 41 of the Covenant may be referred to the Committee by either State party concerned by notice given in accordance with paragraph 1 (b) of that article.

2. The notice referred to in paragraph 1 of this rule shall contain or be accompanied by information regarding:

(a) Steps taken to seek adjustment of the matter in accordance with article 41, paragraphs 1 (a) and (b), of the Covenant, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;

(b) Steps taken to exhaust domestic remedies;

(c) Any other procedure of international investigation or settlement resorted to by the States parties concerned.

Rule 73

The Secretary-General shall maintain a permanent register of all communications received by the Committee under article 41 of the Covenant.

Rule 74

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 72 of these rules and shall transmit to them as soon as possible copies of the notice and relevant information.

Rule 75

1. The Committee shall examine communications under article 41 of the Covenant at closed meetings.

2. The Committee may, after consultation with the States parties concerned, issue communiques, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

Rule 76

A communication shall not be considered by the Committee unless:

(a) Both States parties concerned have made declarations under article 41, paragraph 1, of the Covenant which are applicable to the communication;

(b) The time-limit prescribed in article 41, paragraph 1 (b), of the Covenant has expired;

(c) The Committee has ascertained that all available domestic remedies have been invoked and exhausted in the matter in conformity with the generally recognized principles of international law, or that the application of the remedies is unreasonably prolonged.

Rule 77A

Subject to the provisions of rule 76 of these rules, the Committee shall proceed to make its good offices available to the States parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the Covenant.

Rule 77B

The Committee may, through the Secretary-General, request the States parties concerned or either of them to submit additional information or observations orally or in writing. The Committee shall indicate a time-limit for the submission of such written information or observations.

Rule 77C

1. The States parties concerned shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

2. The Committee shall, through the Secretary-General, notify the States parties concerned as early as possible of the opening date, duration and place of the session at which the matter will be examined.

3. The procedure for making oral and/or written submissions shall be decided by the Committee, after consultation with the States parties concerned.

Rule 77D

1. Within 12 months after the date on which the Committee received the notice referred to in rule 72 of these rules, the Committee shall adopt a report in accordance with article 41, paragraph 1 (h), of the Covenant.

2. The provisions of paragraph 1 of rule 77C of these rules shall not apply to the deliberations of the Committee concerning the adoption of the report.

3. The Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.

Rule 77E

If a matter referred to the Committee in accordance with article 41 of the Covenant is not resolved to the satisfaction of the States parties concerned, the Committee may, with their prior consent, proceed to apply the procedure prescribed in article 42 of the Covenant.

XVII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER THE OPTIONAL PROTOCOL

A. Transmission of communications to the Committee

Rule 78

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications which are or appear to be submitted for consideration by the Committee under article 1 of the Protocol.

2. The Secretary-General, when necessary, may request clarification from the author of a communication as to his wish to have his communication submitted to the Committee for consideration under the Protocol. In case there is still doubt as to the wish of the author, the Committee shall be seized of the communication.

3. No communication shall be received by the Committee or included in a list under rule 79 if it concerns a State which is not a party to the Protocol.

Rule 79

1. The Secretary-General shall prepare lists of the communications submitted to the Committee in accordance with rule 78 above, with a brief summary of their contents, and shall circulate such lists to the members of the Committee at regular intervals. The Secretary-General shall also maintain a permanent register of all such communications.

2. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon his request.

Rule 80

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of the Protocol to his communication, in particular regarding:

(a) The name, address, age and occupation of the author and the verification of his identity;

(b) The name of the State party against which the communication is directed;

(c) The object of the communication;

(d) The provision or provisions of the Covenant alleged to have been violated;

(e) The facts of the claim;

(f) Steps taken by the author to exhaust domestic remedies;

(g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time-limit to the author of the communication with a view to avoiding undue delays in the procedure under the Protocol.

3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 79, paragraph 1, of these rules.

Rule 81

For each registered communication the Secretary-General shall as soon as possible prepare and circulate to the members of the Committee a summary of the relevant information obtained.

B. General provisions regarding the consideration of communications by the Committee or its subsidiary bodies

Rule 82

Meetings of the Committee or its subsidiary bodies during which communications under the Protocol will be examined shall be closed. Meetings during which the Committee may consider general issues such as procedures for the application of the Protocol may be public if the Committee so decides.

Rule 83

The Committee may issue communiques, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

Rule 84

1. A member shall not take part in the examination of a communication by the Committee:

(a) If he has any personal interest in the case; or

(b) If he has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee.

Rule 85

If, for any reason, a member considers that he should not take part or continue to take part in the examination of a communication, he shall inform the Chairman of his withdrawal.

Rule 86

The Committee may, prior to forwarding its views on the communication to the State party concerned, inform that State of its views as to whether interim measures may be desirable to avoid irreparable damage to the victim of the alleged violation. In doing so, the Committee shall inform the State party concerned that such expression of its views on interim measures does not imply a determination on the merits of the communication.

C. Procedure to determine admissibility

Rule 87

1. The Committee shall decide as soon as possible and in accordance with the following rules whether the communication is admissible or is inadmissible under the Protocol.

2. A working group established under rule 89, paragraph 1, may also declare a communication admissible when it is composed of five members and all the members so decide.

Rule 88

1. Communications shall be dealt with in the order in which they are received by the Secretariat, unless the Committee or a working group established under rule 89, paragraph 1, decides otherwise.

2. Two or more communications may be dealt with jointly if deemed appropriate by the Committee or a working group established under rule 89, paragraph 1.

Rule 89

1. The Committee may establish one or more working groups of no more than five of its members to make recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down in articles 1, 2, 3 and 5 (2) of the Protocol.

2. The rules of procedure of the Committee shall apply as far as possible to the meetings of the working group.

3. The Committee may designate special rapporteurs from among its members to assist in the handling of communications.

Rule 90

With a view to reaching a decision on the admissibility of a communication, the Committee, or a working group established under rule 89, paragraph 1, shall ascertain:

(a) That the communication is not anonymous and that it emanates from an individual, or individuals, subject to the jurisdiction of a State party to the Protocol;

(b) That the individual claims, in a manner sufficiently substantiated, to be a victim of a violation by that State party of any of the rights set forth in the Covenant. Normally, the communication should be submitted by the individual himself or by his representative; a communication submitted on behalf of an alleged victim may, however, be accepted when it appears that he is unable to submit the communication himself;

(d) That the communication is not incompatible with the provisions of the Covenant;

(e) That the same matter is not being examined under another procedure of international investigation or settlement;

(f) That the individual has exhausted all available domestic remedies.

Rule 91

1. The Committee or a working group established under rule 89, paragraph 1, or a special rapporteur designated under rule 89, paragraph 3, may request the State party concerned or the author of the communication to submit additional written information or observations relevant to the question of the admissibility of the communication. To avoid undue delays, a time-limit for the submission of such information or observations shall be indicated.

2. A communication may not be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations as provided in paragraph 1 of this rule.

3. A request addressed to a State party under paragraph 1 of this rule shall include a statement of the fact that such a request does not imply that any decision has been reached on the question of admissibility.

4. Within fixed time-limits, each party may be afforded an opportunity to comment on submissions made by the other party pursuant to this rule.

Rule 92

1. Where the Committee decides that a communication is inadmissible under the Protocol it shall as soon as possible communicate its decision, through the Secretary-General, to the author of the communication and, where the communication has been transmitted to a State party concerned, to that State party.

2. If the Committee has declared a communication inadmissible under article 5, paragraph 2, of the Protocol, this decision may be reviewed at a later date by the Committee upon a written request by or on behalf of the individual concerned containing information to the effect that the reasons for inadmissibility referred to in article 5, paragraph 2, no longer apply.

3. Any member of the Committee may request that a summary of his individual opinion shall be appended to the Committee's decision declaring a communication inadmissible under the Protocol.

D. Procedure for the consideration of communications on the merits

Rule 93

1. As soon as possible after the Committee or a working group acting under rule 87, paragraph 2, has taken a decision that a communication is admissible under the Protocol, that decision and the text of the relevant documents shall be submitted, through the Secretary-General, to the State party concerned. The author of the communication shall also be informed, through the Secretary-General, of the decision.

2. Within six months, the State party concerned shall submit to the Committee written explanations or statements clarifying the matter under consideration and the remedy, if any, that may have been taken by that State.

3. Any explanations or statements submitted by a State party pursuant to this rule shall be communicated, through the Secretary-General, to the author of the communication, who may submit any additional written information or observations within fixed time-limits.

4. Upon consideration of the merits, the Committee may review a decision that a communication is admissible in the light of any explanations or statements submitted by the State party pursuant to this rule.

Rule 94

1. If the communication is admissible, the Committee shall consider it in the light of all written information made available to it by the individuals and by the State party concerned and shall formulate its views thereon. For this purpose the Committee may refer the communication to a working group of not more than five of its members or to a special rapporteur to make recommendations to the Committee.

2. The views of the Committee shall be communicated to the individual and to the State party concerned.

3. Any member of the Committee may request that a summary of his individual opinion shall be appended to the views of the Committee.

E. Rules concerning confidentiality

Rule 95

1. All decisions not of a final nature adopted by the Committee in the course of consideration of a communication under the Protocol are confidential. They are transmitted to the parties solely for information or for the purpose of soliciting information, observations or clarifications in respect of (a) questions of admissibility; (b) the merits of the claims; or (c) any remedial action that may have been taken by the State party. No publicity shall be given by the parties to the content of these decisions, which will remain confidential except to the extent that they may be reflected in later decisions of a final nature.

2. Notwithstanding paragraph 1 above, interim measures requested under rule 86 shall not be subject to the rule of confidentiality.

3. Decisions of a final nature are normally made public by the Committee.

(a) Decisions declaring communications inadmissible under the Protocol will normally become public shortly after they have been forwarded to the parties. As a rule, the identity of the authors will be indicated in the text made public, unless the Committee decides otherwise;

(b) The Committee's views on the merits of the claims become public shortly after they have been forwarded to the parties under article 5, paragraph 4, of the Protocol.

4. The text of a decision made public shall carry an indication to that effect.

Rule 96

1. All submissions made by the parties in respect of communications considered under the Protocol shall remain confidential until a final decision has been forwarded to the parties pursuant to rule 95. The parties are under an obligation to observe and respect this rule of confidentiality and shall refrain from giving publicity to any submissions while a communication is under consideration. Thereafter, both parties are free to release their own submissions.

2. If the identity of the author of a communication declared inadmissible has not been disclosed by the Committee, the State party shall refrain from disclosing his identity.

Rule 97

All working documents issued for the Committee by the Secretariat, or placed before a working group established pursuant to rule 89, paragraph 1, or placed before a special rapporteur designated pursuant to rule 89, paragraph 3, are confidential and remain confidential after consideration of a communication is concluded, unless the Committee decides otherwise. This includes the Secretariat summaries of communications, prepared pursuant to rule 79, paragraph 1, which may be made available to States parties at the time when they are requested, under rule 91, paragraph 1, to submit information or observations relevant to the question of admissibility of a communication.

Rule 98

Information furnished by the parties within the framework of follow-up to the Committee's views is not subject to confidentiality, unless the Committee decides otherwise. Decisions of the Committee relating to follow-up activities are equally not subject to confidentiality, unless the Committee decides otherwise.
